

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BILL FUCHS,

Plaintiff,

v.

GMAC MORTGAGE LLC, et al.,

Defendants.

No. C 14-0284 PJH

**ORDER DENYING MOTION TO  
RELEASE STAY**

On April 17, 2014, this court entered an order staying the above-captioned case based on defendants having filed petitions in bankruptcy, which triggers an automatic stay. On April 22, 2014, plaintiff filed a "motion for release of stay," arguing, among other things, that "[t]his case is solely based upon GMAC's intentional and deliberate violation of plaintiff's constitutional rights under the First and Fourteenth Amendments of the United States Constitution which is not considered under a stay of bankruptcy," and further arguing that "GMAC's intentional acts of banking fraud and violations of RESPA and TILA laws" are not "considered by the stay of bankruptcy notice." Defendants filed an opposition on April 25, 2014, arguing that any motion to lift the bankruptcy stay must be brought before the bankruptcy court, not this court. See In re Gruntz, 202 F.3d 1074, 1082 (9th Cir. 2000).

The court agrees with defendants, and DENIES plaintiff's motion. As the Gruntz court held, "bankruptcy courts have the ultimate authority to determine the scope of the automatic stay imposed by 11 U.S.C. § 362(a), subject to federal appellate review."

**IT IS SO ORDERED.**

Dated: May 5, 2014

  
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PHYLLIS J. HAMILTON  
United States District Judge